

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 11620 DPW

BL(A)CK TEA SOCIETY, et al.,)
Plaintiffs,)
v.)
CITY OF BOSTON,)
Defendant.)

Civil Action No. FILING FEE PAID:
RECEIPT # 5439
AMOUNT \$ 150.00
BY DPTY CLK
DATE 07/21/04

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND
EMERGENCY MOTION FOR EXPEDITED HEARING

Plaintiffs in the above-captioned civil action hereby move this Court for an injunction directing the Defendant to refrain from acts violative of rights secured to the Plaintiffs under the Constitution, laws and regulations of the United States, in connection with Plaintiffs' planned participation in events during the 2004 Democratic National Convention in Boston, from July 25, 2004 to July 29, 2004.

Due to the urgency of the requested relief, Plaintiffs request that this Court order an expedited hearing on this Motion for Preliminary Injunction, to take place on or before July 22, 2004.

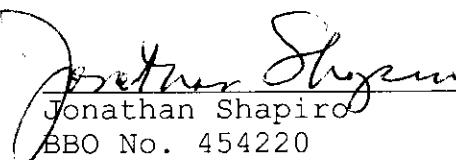
Because Plaintiffs are likely to succeed on the merits of their claims, and will be irreparably harmed unless the requested relief issues, which harm outweighs any risk of harm to Defendant, and as further supported by Plaintiffs' Complaint and the Affidavit of Urszula Masny-Latos, Plaintiffs move this Court to enjoin Defendant's conduct as follows:

- A. Issue an injunction prohibiting Defendant from denying any members of the public access to the public streets and sites of the area designated by the Defendant as the "Soft Security Zone" ("SZ") unless a clearly defined emergency is present;
- B. Issue an injunction ordering Defendant to permit the Plaintiffs to engage in lawful assemblies and First Amendment expressive activities on all portions of Causeway Street in front of the FleetCenter, including, without limitation, marching or parading, distributing literature while marching or parading or at fixed locations (including the use of tables and chairs), and displaying signs or banners;
- C. Issue an injunction ordering Defendant to alter the location of the fencing and concrete jersey barriers dividing the area designated by Defendant as the "Demonstration Zone" ("DZ") and the area to be used as the DNC bus terminal for a distance of no less than 30 feet and no more than 60 feet, so that a 10-12 foot walkway separates the DZ from the closest bus parking area;
- D. Issue an injunction ordering Defendant to remove the overhead netting from the DZ, as well as the opaque mesh covering on the fencing surrounding the DZ;

- E. Issue an injunction ordering Defendant to remove one of the two sets of concrete jersey barriers topped with fencing surrounding the DZ so as to facilitate the distribution of printed materials from people within the DZ to DNC delegates and others in the bus terminal area;
- F. Issue an injunction ordering Defendant from prohibiting the placement of tables and chairs within the soft zone for the purpose of displaying and/or distributing printed political literature and materials to the public;
- G. Grant such additional relief as the Court deems just and proper.

WHEREFORE, the Plaintiffs request that the Court grant this preliminary injunction.

THE BL(A)CK TEA SOCIETY, et al.
By their Attorneys,



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